

REMARKS

Claims 1-26 are pending in the present application with no claim allowed. Claims 1, 5, 9, 10, 13, 16, 19, and 23 are independent claims.

The 35 U.S.C. § 103 Rejection

Claims 1, 5, 9, and 23 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Orita* (US 5,163,147). This rejection is respectfully traversed.

Overall, except for the grounds for the rejection changing to § 103(a) from § 102(b) and the addition of a citation to column 3, lines 21-30, the rejection is identical to the rejection given in the Final Office Action dated September 27, 2002. There is no explicit rebuttal however to the discussion and arguments presented in the Preliminary Amendment dated November 21, 2002. It is uncertain how the form of the rejection and the minor new citation rebuts those arguments. The review of *Orita* that was presented in the Preliminary Amendment will not be repeated below as it must be assumed to be accurate by the fact that it was not rebutted. The arguments will be repeated and expanded below.

Generally, the Office Action states that *Orita* discloses or suggests all of the claim elements. However, each and every element as set forth in the present claims are not found in *Orita*. Furthermore, the various combinations of elements proposed by the Office Action are never arranged by *Orita* in the same manner as proposed by the Office Action or as required by the present claims. Specifically, several of the citations are duplicated, are only one line of disclosure, or are to the Summary of the Invention section. These citations do not fully explain or enable the disclosure of *Orita* or explain the basis of the rejection. Although it is possible for the Office Action to rely on what is "well known" as a basis for rejection, to be proper this must be taken as Official Notice and the modification of the cited reference must be fully explained and motivated in order to comply with M.P.E.P. § 2143. The modifications can not be assumed or implied, but must be explicit. In view of the above, the rejection fails to be *prima facie* and should be withdrawn.

The two part permission verification process is central to the disclosure of *Orita*. The Office Action overlooks the two part process by selectively focusing only on the second part. The second part depends on the first part and is not distinct from it. To ignore the first part is to change the principle of operation of *Orita* which is not allowed. (See M.P.E.P. § 2143.01.) Further, the rejection proposes to incorrectly combine the second part of the verification process of steps S12-S15 with the logon operation of steps S1-S5. These are two different processes that do not work together as proposed but work in series. (See FIG. 2 and col. 3, lines 10-32, among others.) Further still, *Orita* only discloses "comparing" the access type. (Col.4, line 61) The access protection information 12a is set by some other process prior to operation of the system and is never changed. It is not sufficient to argue that *Orita* could change the information if he never discloses that he actually does. The static nature of the access protection information is contrary to the present claims 1, 5, 9, and 23 where, as variously claimed, the active file security status is "changeable" from a first type to a second type and the active file security status is actually "changed" from the first type to the second type. The rejection is not as disclosed or claimed and should be withdrawn.

Given the above, *Orita* can not be said to render the present claims obvious.

Claims 10-21 stand rejected under 35 U.S.C. § 103(a) as being allegedly anticipated by *Scott et al.* (US 5,987,123) in view of *Orita* (US 5,163,147) and *Mandalia* (US 6,324,584 B1). This rejection is respectfully traversed.

Overall, the strong reliance of the rejection on *Scott* is substantially identical to the rejection given in the Final Office Action dated September 27, 2002. As above, there is no explicit rebuttal however to the discussion and arguments presented in the Preliminary Amendment dated November 21, 2002. It is uncertain how the new rejection completely rebuts those arguments. A review of *Scott* will be presented here for the first time. The pertinent arguments will be repeated and expanded below.

Generally, the Office Action states that *Scott* discloses or suggests most of the claim elements and that *Orita* and *Mandalia* disclose or suggest the rest of the claim elements.

For discussion purposes, a review of *Scott* will first be presented. The *Scott* patent is entitled a Secure File System with the emphasis on trust or verification and not access. *Scott* laments in the background section that "[c]omputer programs and computer data files are normally stored on computer systems without the capability of automatically sensing that programs and data are 1) authentic and 2) unmolested." (Col. 1, lines 22-25) It is these two aspects that *Scott* endeavors to "secure" with his invention. The disclosure must be interpreted in this light. This is important as this form of trust security differs from access security. Trust security wants to know where a file originated and that it is unaltered since it was created. Trust security does not deny access to the file once created. It does not even deny the ability of a non-originating user to alter the file, but it will make note of any alterations for future users to consider. The situation may be that the non-originating user is also acceptable to the future user. Further, trust security does not deny a user the ability to create a file, but it will carefully note which user it was that created the file by assigning each user a unique signature and encrypting it in the file. In this way, future users can check where the file originated. Conversely, access security will deny an unauthorized user the ability to see, alter, or create a file.

As noted previously and elaborated upon above, *Scott* is directed to providing "...a truly automatic and transparent method of checking and authenticating software and data in a computer system." (Col. 1, lines 30-31) That is to say that *Scott* wants the user to be "secure" in the knowledge that the software or data are trustworthy. This is a different sense of the term secure where trust security and access security are not the same. *Scott* is directed toward the former and the claims are directed toward the latter, therefore *Scott* cannot disclose or suggest the latter. Further, the rejection proposes to incorrectly combine the process of creating signed files of FIG. 5 with the verification of those files of FIG. 4. These are two different processes that do not work together as proposed but work in series, that is, there must first be a file before it can be verified. Further still, there is no disclosure by *Scott* of limitations on which users can

create signed files so long as they have a private key. Private keys may simply be issued upon demand of the user. The private keys are to distinguish one user from another. Protecting the private keys is for the user's benefit and not the system's benefit. Just because the private keys are unique does not mean that they are limited in number or application. The use of the term private key by *Scott* does not imply any "authorization" as claimed. Everyone may be authorized as no check is performed in the description of FIG. 5 of *Scott*. The rejection is not as disclosed or claimed and should be withdrawn.

With respect to *Orita* and *Mandalia*, the Office Action provides two small citations to the Summary and Background sections, respectively. These citations do not fully explain or enable the disclosures of *Orita* and *Mandalia* or explain the basis of the rejection. To be proper the modification of the cited references must be fully explained and motivated in order to comply with M.P.E.P. § 2143. The modifications can not be assumed or implied, but must be explicit. In view of the above, the rejection fails to be *prima facie* and should be withdrawn.

Given the above, the cited references can not be said to render the present claims obvious.

Claims 2, 6, 22, and 24 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Orita* (US 5,163,147) in view of *Subramaniam et al.* (US 5,519,507). Claims 3, 4, 7, 8, 25, and 26 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Orita* (US 5,163,147) and *Subramaniam et al.* (US 5,519,507) in view of *Testin et al.* (US 4,776,038). These rejections are respectfully traversed.

Generally, the Office Action states that *Orita* discloses or suggests most of the claim elements and that *Subramaniam* and *Testin* disclose or suggest the rest of the claim elements. However, the arguments presented above with respect to *Orita* alone apply equally here. The addition of *Subramaniam* and *Testin* does nothing to refute those arguments. Thus the cited references can not be said to render the present claims obvious.

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In view of the above, it is respectfully asserted that the claims are now in condition for allowance.

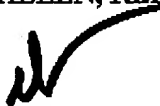
Request for Allowance

In view of the foregoing, reconsideration and an early allowance of this application are earnestly solicited.

If any matters remain which could be resolved in a telephone interview between the Examiner and the undersigned, the Examiner is invited to call the undersigned to expedite resolution of any such matters.

Respectfully submitted,
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